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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 22, 1997

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW - Room 222
Washington, DC 20554

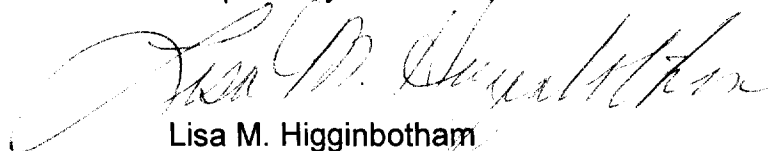
RE: WT Docket No. 96-86

Dear Madam Secretary:

On behalf of the Commonwealth of Pennsylvania (hereinafter the "Commonwealth"), and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, enclosed herewith for filing are an original and five (5) copies of the Commonwealth's Comments in response to the Commission's Second Notice of Proposed Rulemaking in the above-captioned proceeding.

Kindly stamp and return to this office the enclosed copy of this filing designated for that purpose. You may direct any questions concerning this material to the undersigned, counsel to the Commonwealth of Pennsylvania

Respectfully submitted,



Lisa M. Higginbotham

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
The Development of Operational,)
Technical and Spectrum Requirements)
For Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements Through the Year 2010)
)
Establishment of Rules and Requirements)
For Priority Access Service)

WT Docket No. 96-86

To: The Commission

**COMMENTS OF
COMMONWEALTH OF PENNSYLVANIA**

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December 22, 1997

SUMMARY

The Commonwealth supports the Commission's efforts to encourage competition in the provision of public safety equipment. Such competition would provide incentives for manufacturers to develop a variety of products and services for public safety use at affordable prices. The Commonwealth also supports the Commission's proposal to establish interoperability channels on the 746-806 MHz band. Although the Commission should designate these channels for different types of uses; designation of any of these channels for video communications is not necessary.

With respect to those channels in the 746-806 MHz band not designated for interoperability, the Commonwealth believes that the Commission should continue to use a regional planning approach. However, the Commission should take steps to improve the regional committee process. In addition, the Commission should draw regional boundaries whereby an entire state would fall within one region. Moreover, as explained more fully below, the Commission should reserve channels in the 746-806 MHz band for vehicular repeater operation.

The adoption of rules which improve the functioning of regional planning committees, define regions in a manner that takes into account the current needs of state and local jurisdictions, and allow for flexibility of use, will go a long way to assist public safety entities in fulfilling their mission of ensuring safety to the public.

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**COMMENTS OF
COMMONWEALTH OF PENNSYLVANIA**

The Commonwealth of Pennsylvania (hereinafter the "Commonwealth"), by its undersigned counsel and pursuant to Section 1.415 of the Commission's Rules and Regulations, hereby files its comments in the above-captioned proceeding in response to the Commission's Second Notice of Proposed Rulemaking, FCC 97-373, released October 24, 1997 (Second Notice). In the Second Notice, the Commission proposed service rules relating to 24 MHz of spectrum within the 746-806 MHz spectrum band that the Commission had proposed in an earlier notice to allocate for public safety needs,^{1/} and that Congress, in the Balanced Budget Act of 1997, has committed to public safety communications services.^{2/}

^{1/} Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, Notice of Proposed Rulemaking, FCC 97-245, released July 10, 1997.

^{2/} Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

I. INTRODUCTION AND STATEMENT OF INTEREST

The Commonwealth currently operates a public safety communications system which utilizes several different types of frequencies. For example, the Commonwealth holds licenses in the Public Safety/Special Emergency Radio Service to operate its facilities using Low Band VHF, High Band VHF, and UHF frequencies. In addition, the Commonwealth's systems also utilize microwave frequencies. Recently, the Commission issued to the Commonwealth licenses for conventional and trunked 800 MHz channels upon recommendation of the Planning Committees of Regions 28 and 36, in accordance with the Commission's rules governing the implementation of the Public Safety National Plan. The Commonwealth is using these channels to construct a statewide public safety communications system for use by public safety agencies throughout the state.

As the Commission recognized in the Second Notice, over the past decade, public safety providers have been confronted by a number of problems that threaten their ability to fulfill their mission of protecting the public.^{3/} These problems have included frequency congestion, lack of interoperability, and the inability to upgrade systems using new technologies and equipment.^{4/} This is especially true for many of

^{3/} Second Notice, at ¶ 3.

^{4/} Id.

the Commonwealth's public safety agencies. Many of these agencies are currently relying on outdated communications systems. The Commonwealth's public safety communications system, for example, is more than 25 years old. As many of these public safety agencies do not have access to the significant funds needed to upgrade their systems and purchase new equipment, many of the agencies can not take advantage of the new technologies that exist. Moreover, as is the case for many public safety providers across the Nation, many of the Commonwealth's agencies rely on systems that use different types of frequencies and equipment. As a result, communications between state public safety agencies, state and local public safety agencies and even public safety agencies in adjacent local jurisdictions is extremely difficult. In addition, many areas within the Commonwealth, including major urban areas such as Philadelphia, suffer from a shortage of available spectrum. As such, these areas are in dire need of additional spectrum. The Commonwealth has taken some steps to address these obstacles. As noted above, it is currently constructing a statewide 800 MHz system. However, this effort alone will not fully address the communications needs of the Commonwealth's public safety agencies in fulfilling their mission to protect the public. Additional spectrum as well as rules and policies that promote the efficient and effective use of such spectrum continue to be of great necessity.

It is against this backdrop that the Commonwealth welcomes the opportunity to comment on the Commission's proposed service rules relating to the 24 MHz of

spectrum in the 746-806 MHz spectrum band which the Commission has proposed to allocate to public safety communications needs. As the Commission stated in the Second Notice, this spectrum will allow agencies to develop the advanced capabilities that will permit them to more effectively fulfill their missions. In addition, the rules proposed in the Second Notice will facilitate the construction of systems that will allow interoperability between public safety providers in various jurisdictions. Moreover, adoption of service rules, along with the allocation of the 24 MHz of spectrum, will provide public safety providers, such as the Commonwealth, with much needed additional spectrum.

II. ENCOURAGING COMPETITION WILL ACHIEVE THE GOAL OF AFFORDABLE PUBLIC SAFETY EQUIPMENT.

In the Second Notice, the Commission sought comment on whether a key approach to achieving the goal of affordable public safety spectrum is to create a regulatory environment that fosters competition.^{5/} It suggested that such a regulatory environment could enable the provision of a wide range of services and equipment using a variety of technologies, at competitive prices.

The Commonwealth supports the Commission's efforts to encourage competition in the provision of public safety-appropriate equipment. Such competition would provide incentives for manufacturers to develop a variety of products and services that meet the

^{5/} Second Notice, at ¶ 25.

differing communications needs of public safety entities. Moreover, the adoption of policies that facilitate competition would also lead to marketing of products and services at more affordable prices.

III. INTEROPERABILITY

A. The Commission Should Adopt Its Proposed Definitions for "Interoperability" and Other Related Terms.

In the Second Notice, the Commission sought comment on its proposed definitions for the term "interoperability," and other related terms.^{6/} The Commonwealth believes that the definitions proposed by the Commission accurately reflect the meaning of these terms. Accordingly, the Commonwealth supports adoption of these definitions.

B. The Commission Should Establish Interoperability Channels on the 746-806 MHz Band.

The Commission's Second Notice sought comment on its proposal to dedicate a significant amount of spectrum in the 746-806 MHz band solely for interoperability communications.^{7/}

The Commonwealth supports the Commission's proposal to establish interoperability channels within the 746-806 MHz band. Doing so will significantly

^{6/} Id., at ¶ 29-30.

^{7/} Id., at ¶ 44.

advance the goal of facilitating communications among public safety agencies, both within individual jurisdictions and among public safety entities in multiple jurisdictions.

C. Allowing Different Types of Uses on Interoperability Channels Serves the Public Interest; However the Commission Should Not Designate Any of These Channels For Video Use

In its Second Notice, the Commission proposed to make interoperability channels available for each of four types of communication: (1) voice, (2) data, (3) image/high speed data (image/HSD), and (4) video.^{8/}

Although the Commonwealth generally supports this proposal, it believes that the designation of interoperability channels for video use is not necessary. As was noted in the Second Notice, there may be other, more appropriate, alternatives through which this type of communication could be provided.^{9/} Indeed, it has been the Commonwealth's experience that commercial entities are already providing this service. For example, in implementing its full motion remote video system, the Pennsylvania Emergency Management Agency found that commercial uplink services using commercial satellite transponders were available. This evidence suggests that commercial entities are willing to make innovative services such as full motion video available. Accordingly, there is no need to devote any portion of the interoperability channels for this use.

^{8/} Id., at ¶ 46, 51.

^{9/} Id., at n. 98.

D. Voice Interoperability Channels in the 746-806 MHz Band Should Be Reserved For Digital Modulation Use Only.

In its Second Notice, the Commission sought comment on whether the achievement of interoperability on analog or digital modulation for voice interoperability channels should be specified. In addition, the Commission asked whether standards on these channels should be adopted.^{10/}

The Commonwealth believes that voice interoperability channels in the 746-806 MHz band should be reserved for digital modulation use only and that standards for digital modulation methods should be developed for these channels. There is no need to adopt a standard for analog modulation as the use of existing analog interoperability channels in the 821-824 MHz band allows sufficient capacity for use by existing legacy systems. Moreover, the Commonwealth's discussions with manufacturers lead it to conclude that existing legacy systems will not be capable of being upgraded for use on the 746-806 MHz band. Thus, the use of analog technology on the 746-806 MHz band is unnecessary.

Moreover, the Commonwealth has received demonstrations of modern, cost-effective mobile and portable radios capable of a wide range of digital modulation methods for the use of digital signal processing ("DSP"). Such radios have already

^{10/} Id., at ¶ 56.

demonstrated the ability to change protocols, modulation methods, and vocoders to match existing available systems. In addition, these radios allow the ability to upgrade to future protocols and modulation methods by software upload. The existence now of such radios commercially, at low cost, supports the establishment of a minimum digital standard within the new interoperability channels.^{11/}

E. The Use Of Interoperability Channels By Federal Agencies Is Necessary to Ensure a Multi-Jurisdictional Response to Emergency Situations.

In the Second Notice, the Commission sought comment on how interoperability channels should be made available to Federal users.^{12/} The Commonwealth supports the use of interoperability channels by Federal users, and believes that this is a key component to ensuring a well-coordinated, multi-agency, multi-jurisdictional response to emergencies which affect Federal, state and local jurisdictions.

IV. PLANNING

A. The Commission Should Continue The Use of a Regional Planning Approach, But With Refinements.

The Commission proposed to use a regional planning approach in assigning that portion of spectrum in the 746-806 MHz band not designated for interoperability. In

^{11/} DSP processing appears to allow the promise of use of the best available technology for private public safety systems, while allowing establishment of a minimum standard for interoperability that retains the efficiencies of digital modulation.

^{12/} Second Notice, at ¶ 90.

addition, the Commission asked for suggestions for refinements and improvements to the organization and operation of the regions and regional planning committees.^{13/}

The Commonwealth supports the continued use of a regional planning approach, but with certain modifications to both the regional planning committees and the design of regions involving metropolitan areas. For example, the role of the regional planning committee must be restricted to general overall assignment of channels and should not include specific assignment of individual channels within the plan. The Commonwealth has found that, in general, regional planning committees lack adequate tools, training, and experience to effectively and efficiently make specific channel assignments, which, by necessity, requires an understanding of the many technical parameters involved. This is not meant as a criticism of the personnel who comprise the committees, but instead is a recognition that the volunteers who staff the committees are drawn from many diverse disciplines and fields, and that, understandably, the experience and training of these individuals is not necessarily suited to the tasks of frequency coordination and channel assignment.

As a result of the foregoing, the output of some of the regional planning committees has sometimes consisted of suboptimal assignment "sorts" for the current National Public Safety Planning Advisory Committee (NPSPAC) plans. This has, in

^{13/} Id., at ¶¶ 111-112, 115.

turn, resulted in fewer users per channel, per region than otherwise would be possible under optimal circumstances and conditions. In light of this, the Commonwealth recommends that the better approach would be for the regional planning committees' activities to stop at a recommendation for channel assignment(s), at which time a frequency coordination body, as designated by the Commission, should determine the best channels available for that particular user. Ensuring that the entity that assigns specific licenses has sufficient tools, training and experience in addressing technical matters in the context of the assignment of individual licenses is the key ingredient in meeting the goal of promoting the efficient and effective use of this new public safety spectrum.^{14/}

The Commonwealth also recommends that, in using the regional planning committees, the Commission should modify the committees' functions in the following areas. First, the Commission should adopt limits on the length of term each committee member may serve. This would ensure both adequate opportunity for participation by all parties and avoid the generation of entrenched bureaucracies. Second, the Commission should impose objective, enforceable time limits on the length of time regional planning committees may take to deliberate matters. This would avoid the opportunity for regional planning committees to engage in "pocket vetoes" of proposed assignments. Third, the Commission should clearly define its own authority and

^{14/} See Second Notice, at ¶ 5.

responsibility for rectifying committee activities that are beyond the scope of the committees' jurisdiction.

The Commission also requested comment on the continued use of multi-state regions to address the needs of metropolitan areas.^{15/} The Commonwealth's experience with this approach leads it conclude that its residents would be better served by regional planning that defines an entire state within one region.

Currently, the Commonwealth is divided between two regions (28 and 36), and borders five others. This regional plan was established in order to accommodate the need for planning in and around the Philadelphia area. This regional plan, however, appears to have hampered rather than facilitated planning efforts. Specifically, the planning process has been delayed by time-consuming debates with adjacent regional committees. In addition, coordination of statewide system planning by the Commonwealth has been hampered by an inability to coordinate statewide channel assignments, conflicting assignments in adjacent metropolitan areas, and a lack of coordination between regions.

Moreover, the use of the multi-state regional boundaries does not take into account changes in the focus on planning efforts within individual states. For example,

^{15/} Id., at ¶ 114.

at the time of the NPSPAC activity, the majority of system planning and funding activity in the Philadelphia area was at a local or county level. The environment has since changed, with the Commonwealth implementing a statewide multi-agency, multi-jurisdictional network; with New Jersey planning to implement a statewide system; and with Delaware nearly finishing implementation of its statewide network.

In light of this, the Commonwealth believes that a better approach would be to draw regional boundaries whereby an entire state would fall within one region. Such an approach would enhance statewide system planning and development. Continuing to draw boundaries on a fractional, semi-regional basis while the Commonwealth and other states proceed with implementation of statewide networks, coordinated across the old artificial boundaries, does not make sense.

B. The Commission Should Withhold Some Spectrum for Assignment Prior to Completion of the Planning Process for Areas With An Acute Need For Spectrum.

The Commission requested comment on whether, in areas with an acute need for spectrum, it should reserve a small amount of spectrum from the 746-806 MHz band and assign that spectrum prior to the completion of the area's regional plan.^{16/} The Commonwealth supports this proposal. In the case of the Commonwealth, for example, in both Erie (Region 36) and Philadelphia (Region 28), implementation of a funded

^{16/} Id., at ¶ 112.

public safety communications system is being severely constrained due to a lack of available channels in the 806-824 MHz band. Assignment of some spectrum in the 746-806 MHz band prior to completion of the planning process would ensure more rapid availability of much needed spectrum in these jurisdictions.

C. The Commission Should Reserve Some Channels In The 746-806 MHz Band For Vehicular Repeater Operation.

In the Second Notice, the Commission sought suggestions for the types of public safety communications that should be reserved for the 746-806 MHz band.^{17/} The Commonwealth recommends that the Commission consider reserving some of this spectrum for vehicular repeater operations. In developing its statewide system, the Commonwealth has identified a strong need for vehicular repeater operation. Discussions with other states that are either constructing or proposing statewide systems has confirmed this need.

Use of vehicular repeaters has a number of benefits in addressing public safety communications needs. First, use of vehicular repeaters allows for a reduction in the number of fixed network sites that are needed for a public safety communications system,^{18/} which in turn yields a greater than proportional reduction in construction and

^{17/} Id., at ¶ 130.

^{18/} For the Commonwealth, for example, use of vehicular repeaters has allowed a reduction in the number of fixed network sites needed from approximately 450, to less than 250.

operating costs. Moreover, use of these repeaters allows significant costs savings in the development of systems in less densely populated county or regional areas, particularly those which intend to provide in-building portable coverage.

Vehicular repeater use also provides a reasonable alternative for on-scene coordination during the critical first few minutes or hours of an emergency. Designing a limited number of mobile repeater pairs may allow additional responding users easy identification of the on-scene command frequencies in use. This approach is much more cost-effective, and more efficient on-scene, in a predominately rural state such as Pennsylvania, than mandating installation of conventional repeaters on interoperability channels at existing sites. The practicality of such use has been proven over many years by the experiences of the Pennsylvania State Police in the VHF (156 MHz) band. Such vehicular repeater use has also proven effective in the Emergency Medical Service community, allowing on-scene telemetry and voice contact with hospitals by paramedics via mobile repeater link. Discussions with fire service users evidence a strong interest in similar use for busy fire ground-command and control personnel, thus eliminating the need to use wide-area resources.

The use of vehicular in-band repeaters with current radio frequency filtering capabilities requires the reserved designation of a limited number of frequency pairs for use by the repeater, preferably with such channel pairs removed or protected from adjacent channel interference by strong base station operations. In light of this, the

Commonwealth recommends that the Commission designate a block of 10 pairs for mobile repeater or other auxiliary low-power mobile duplex activity within a block reserved for simplex use.^{19/} This would provide sufficient protection from base station output interference, and is consistent with the range and function of other simplex activity.^{20/} The Commonwealth further recommends that designation of this block for vehicular repeater operations be on a nationwide basis so as to avoid reassignment on a regional basis which could prevent their use in adjacent regions.

D. Regional Planning Committees Should Not Be Given Discretion To Make Channel Spacing Determinations.

The Commission sought comment on four approaches to determining the appropriate channel spacing for spectrum in the 746-806 MHz band. Under Option 1, regional planning committees would be given the discretion to determine the size of channels to be licensed in the region. Under Option 2, the Commission would specify an assortment of channels of different sizes to accommodate various types of communications and technologies. Regions would then be required to make the various channel sizes available for assignment. Option 3 would leave the Commission

^{19/} The repeaters operate using an auxiliary low-power transmitter and receiver, and a duplexer, connected to an existing mobile radio.

^{20/} Use of vehicular repeaters need not be restricted to voice communications. Analog telemetry, remote control, and remote monitoring all represent functions which are not simplex in nature, but are inefficiently provided via wide-area repeater or trunking.

with sole authority to decide on a single, specific channel spacing for each type of communication and require that all regions assign licenses using such channels.^{21/}

The Commonwealth strongly objects to Option 1 on the ground that it is based on an incorrect assumption that a regional planning committee would be qualified and able to make determinations about the suitability of various technologies for public safety use throughout the region. Moreover, while the Commonwealth agrees that the Commission should have a role in making the channel spacing determination, Option 2 would require an assortment of channel sizes to be made in advance of users' requests. Option 3 raises concerns that the Commission might adopt an arbitrary channel size determination similar to the adoption in 1987 of a 12.5 kHz channel size for the 821-824 MHz band. Such a single standard would not provide public safety entities with sufficient flexibility to construct their systems as necessary to best meet the communications needs within their specific regions.^{22/}

The Commonwealth believes that the adoption of any channel spacing requirements should allow for adequate flexibility to accommodate the unique needs of

^{21/} Second Notice, at ¶¶ 134-136.

^{22/} In this regard, the Commonwealth notes that it has spent nearly three years and thousands of engineering man-hours to evaluate a wide range of technical solutions to users' needs. During this investigation, the Commonwealth has been unnecessarily constrained in considering solutions by the unusual 12.5 kHz spacing 20 kHz mask used in the 821-824 MHz band.

jurisdictions which may be included in more than one region. In this regard, the Commonwealth notes that the Commission has created a band plan for certain bands regulated under Part 101 which allows channel assignments in a flexible number of increments of a smaller channel spacing assignment.^{23/} Such a plan would be appropriate here. For example, a block of spectrum could be divided into channels of 6.25 kHz each, while still allowing licensees to request assignments in blocks of 12.5 kHz or 25 kHz. This would allow selection of such spectrally-efficient modulation techniques requiring wider bandwidths such as CDMA and TETRA.

V. ALLOWING REGIONS TO AGGREGATE OR DISAGGREGATE VARIOUS CHANNELS WOULD FACILITATE NEEDED FLEXIBILITY.

The Commission sought comment on approaches for determining how many of each type of channels (e.g., voice, data, image/HSD, or video) should be designed for assignment in that portion of the 746-806 MHz band used for general service communications.^{24/} One suggested approach would be to provide regions with the flexibility to decide how many of each type of channel should be made available for assignment in the respective region. Under a second approach, the Commission would adopt a common band plan that would be used uniformly by all regions. A third approach would allow each region to aggregate or disaggregate the various channels in

^{23/} See 47 C.F.R. § 101.147.

^{24/} Second Notice, at ¶ 140.

the Commission's band plan to formulate a band plan that contains the type and number of channels it requires.^{25/}

The Commonwealth believes that the third approach best serves the needs of public safety entities as it would provide flexibility in the tailoring of regional plans to the needs of the jurisdictions within the region.^{26/}

VI. A MANDATORY TRANSMISSION TECHNOLOGY STANDARD IS NOT NECESSARY.

The Commission asked whether a need exists to mandate a particular transmission technology on the regularly assigned public safety channels within the 746-806 MHz band.^{27/} The Commonwealth believes that such a standard is unnecessary. In investigating the availability of multi-standard public safety equipment, the Commonwealth has identified at least one vendor who is currently manufacturing radios capable of operation using more than one trunking standard in a radio. Moreover, this equipment was presented with a vendor-identified list price well below other current "public safety standard" radios. In light of this, it is reasonable to expect

^{25/} Id., at ¶¶ 141-147.

^{26/} This approach would provide public safety entities the flexibility to adapt the overall plan to areas where, for example, no identifiable need for full motion video exists or is anticipated.

^{27/} Second Notice, at ¶ 154.

that this capability is available without a significant cost penalty and without a significant development effort.

**VII. THE COMMISSION SHOULD ENFORCE STRICT TIMETABLES FOR
MOVEMENT OF THE INCUMBENT TV STATIONS FROM THE 746-806 MHz
SPECTRUM.**

The Commonwealth strongly encourages the Commission to strictly enforce its timetable for relocating television stations currently assigned to the 746-806 MHz spectrum band. Such action is necessary in order to ensure that public safety entities have access to this spectrum as soon as possible.

VIII. CONCLUSION

Allocation of the 24 MHz of spectrum in the 746-806 MHz band for public safety use will provide public safety agencies with much needed spectrum. In adopting service rules, however, the Commission must take steps to ensure that the spectrum is assigned to public safety entities as quickly as possible; and must create a regulatory environment that contributes to interoperability of equipment. The Commission should also ensure that, public safety entities are provided with flexibility to use the spectrum in a manner that best suits the needs of their communities. The adoption of rules which improve the functioning of regional planning committees; define regions in a manner that takes into account the current needs of state and local jurisdictions; and allow for